

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEWIS RODRIGUEZ,)	
Plaintiff,)	C.A. No. 21-295 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
PHILADELPHIA COUNTY, et al.,)	
Defendants.)	

MEMORANDUM ORDER

On October 26, 2021, Plaintiff Lewis Rodriguez, an inmate incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”), initiated this action by filing a document entitled “Petition for Redress of Grievance, Receiving the Bonds in the Name of the Trust, & Arbitration (Tort 42 U.S.C. § 1983)” [ECF No. 1-1], accompanied by a motion to proceed *in forma pauperis* [ECF No. 1]. The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Because the allegations of the original petition were largely incoherent, and the type of relief sought was unclear, Magistrate Judge Lanzillo ordered Plaintiff to file an amended pleading specifying whether he is seeking habeas corpus relief under 28 U.S.C. § 2254, or monetary relief for violation of his constitutional rights under 42 U.S.C. § 1983. [ECF No. 8]. In response, Plaintiff filed a document entitled “Petition for Redress of Grievance/Arbitration” [ECF No. 9]. In this document, as in his original pleading, Plaintiff contends that he is “a divine, living, flesh & blood human being, created by Almighty God,” and has “never been nor will I be

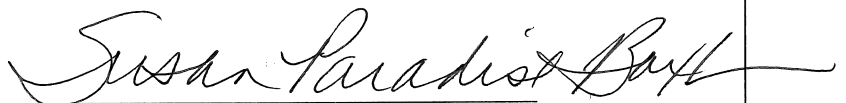
a corporation.” Then, after making a series of disjointed statements regarding the state’s creation of an artificial legal entity called a “STRAW MAN,” through which the courts issue a STRAW bond, Plaintiff concludes that the state only has the authority to incarcerate his straw man alter-ego, a “fiction ... made up to do transactions,” rather than his “flesh & blood” human form. (ECF No. 9, at 7-8).

On April 1, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that this action be dismissed as frivolous for failure to state a cognizable claim upon which relief may be granted, pursuant to 28 U.S.C. 1915(e). [ECF No. 10]. No timely objections to the R&R have been filed by Plaintiff.

Thus, after *de novo* review of the petition and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 25th day of April, 2022,

IT IS HEREBY ORDERED that this action is DISMISSED as frivolous for failure to state a cognizable claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915(e). The report and recommendation of Magistrate Judge Lanzillo, dated April 1, 2022 [ECF No. 10], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case “CLOSED.”



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge

All parties of record